

121 West 27th Street, Suite 705 New York, NY 10001-6207 (212) 242-2490 FAX: (212) 242-2549

MEMORANDUM

To: Manuel Tapia, Jr., City of Nogales

Matt Carpenter, ADOT

From: David Fields

Date: May 1, 2006

Subject: Nogales Transit Study - Subtask 2-D: Update to Municipal Code

I. <u>Introduction</u>

This memorandum documents Nelson\Nygaard's investigation into any changes necessary to the *Charter and Code of the City of Nogales* to accommodate municipally-provided public transportation services, plus regulation of on-street transit facilities. For each section of the *Code* with a recommended change, the existing language and proposed change are presented.

Note: All proposed changes to the Code must be reviewed and approved by the City's legal counsel prior to adoption. It is also relevant to note that the *Code* currently includes much of the language needed; the City will need reliable enforcement for the requirements to be effective.

II. Recommended Changes to the Charter and Code of the City of Nogales

A. Establishment of Municipal Bus Service

1. Chapter 20 Vehicles for Hire - Article IV Local Buses

Existing Text: Sec. 20-71. Purpose.

It is the purpose of the City of Nogales to enable parties furnishing local bus service within the City of Nogales to operate such business in an orderly safe fashion and to afford visitors and citizens of the City of Nogales safe and efficient bus service.

Proposed Text: Sec. 20-71. Purpose.

It is the purpose of the City of Nogales to furnish local bus service within the City of Nogales in an orderly safe fashion and to afford visitors and citizens of the City of Nogales safe and efficient bus service. It is furthermore the purpose of the City of Nogales to regulate the use of city streets and sidewalks by private parties furnishing taxi, minivan, inter-city bus, and/or shuttle transportation services within the City of Nogales to require such activities to be conducted in an orderly and safe fashion and to afford visitors and citizens of the City of Nogales safe and efficient public transportation services.

B. Prevention of Curbside, Bus Stop, or Taxi Stand Loading/ Unloading By Private Shuttle Operators

 Chapter 18 Traffic and Motor Vehicles, Article VII Public Transportation Service Vehicles, Section 18-303 Operation of Commercial Public Transportation Services, Subsection 5

Existing Text:

 Shuttle means a motor vehicle which is held out to the general public as being available to carry 16 persons or less from one point to another for hire with the operator provided.

Proposed Text:

• **Shuttle** means a motor vehicle which is held out to the general public as being available to carry 16 persons or less from one point to another with the operator provided.

The rationale behind this proposed change is so that the existing language in "Sec. 18-303. Operation of Commercial Public Transportation Service" (as presented below,) which currently prohibits curbside access of passengers, be expanded to include a broader category of shuttle service vehicles.

Sec. 18-303. Operation of Commercial Public Transportation Service Shuttle operators shall not load or unload any passenger on any city street, unless in conjunction with a licensed transportation terminal as provided for in subsection (6). The loading or unloading of passengers shall be conducted solely from pr [sic] associated with a licensed transportation terminal.

2. Chapter 18 Traffic and Motor Vehicles - Article III Stopping, Standing, and Parking - Sec. 18-65 Bus Stops and Taxicab Stands.

Existing Text:

(b) No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Implement the following *change* to clarify vehicles permitted to use designated bus stops for passenger access:

(b) No person shall stop, stand or park a vehicle other than a *municipal service* bus in a *municipal service* bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

III. Comparable Codes

The investigation included a review of the codes of other municipalities throughout Arizona to utilize existing language, where feasible (documented in the Appendix). The following Arizona Municipal Codes were investigated:

- Avondale
- Chandler
- Florence
- Gilbert
- Kingman
- Phoenix
- Scottsdale
- Tucson

Relevant language for incorporation into Nogales' Code could not be identified in these Arizona Codes. At that point, the investigation was expanded to include municipalities outside of Arizona. The expanded search revealed the following results:

- City of Concord, CA: Sec. 118-64. Public motor vehicle stands.
 - (a) In the permit granted under the provisions of this article, there shall be designated a certain place or places where the permittee shall be allowed to stand the vehicle operated by him as a taxicab, motorbus, or minibus while awaiting employment. Such permit shall also state the number and kind of vehicles for which the permit is granted.
- Irvine, CA: Article E. Parking, Sec. 6-3-571. Bus stop. It shall be unlawful for the operator of any motor vehicle to stop or park said vehicle immediately adjacent to or opposite any curbing in the City which has been designated as a "Bus Stop" or, where there are no curbings, within any area which has been signposted as a "Bus Stop," for any purpose other than the loading or unloading of passengers or freight; provided that no stop for the loading or unloading of passengers or freight shall be made for more than five minutes. (Ord. No. 27, § 64.022(e), 4-17-72; Code 1976, § VI.F-672)
- Ft. Worth, TX: Sec. 22-84. Propelling of vehicle in bus lanes prohibited; certain bus lanes designated.
 - (a) Except for turning as provided in section 22-71, a person commits an offense if he propels a vehicle which is not a bus of the public bus transportation system or if he causes said vehicle to be propelled in any portion of a roadway designated as a bus lane by an official trafficcontrol device.